

Charles Baker

From: Nick Cusick [ncusick@bisoninc.com]
Sent: Friday, January 23, 2015 9:49 AM
To: Charles Baker
Subject: Resolution A-88189

Buff:
Please be informed that Bison Inc. has not and doesn't intend in the future to use the property that was the subject of Resolution A-88189. Please pursue repeal.

Advise if further information is needed of me.

Regards,
Nick Cusick



A88189

3

14R-102

Introduce: 4-7-14

RESOLUTION NO. A- 88189

1 WHEREAS, Bison, Inc. has submitted an application for a permit to use the
2 public right-of-way on the northwest corner of South 6th Street and L Street for construction
3 of a portion of a loading dock ramp for the property at 540 L Street; and

4 WHEREAS, the applicant has submitted a letter of application and a site plan
5 which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made
6 a part of this resolution by reference, to use the public right-of-way as above described; and

7 WHEREAS, said applicant has complied with all of the provisions of Chapter
8 14.54 of the Lincoln Municipal Code pertaining to such use.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
10 Lincoln, Nebraska:

11 That the application aforesaid of Bison, Inc. to use the public right-of-way on
12 the northwest corner of South 6th Street and L Street for the purpose of constructing a
13 portion of a loading dock ramp, be granted as a privilege only by virtue of and subject to
14 strict compliance with the site plan, the letter of application, and the following terms and
15 conditions:

16 1. That the permission herein granted is granted as a privilege only, and
17 is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code
18 including those provisions relating to the posting of a continuing bond in the amount of
19 \$5,000, the filing of a certificate of insurance with a minimum combined single limit of
20 \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the
21 use of the surface of the public right-of-way.

1 2. That said use shall be in full accordance with the aforesaid application,
2 the site plan filed therewith, and with all applicable City ordinances and regulations.

3 3. The applicant, its heirs, successors or assigns shall save and keep the
4 City free and harmless from any and all loss or damages or claims for damages arising
5 from or out of the use of the public way requested herein.

6 4. All work done under the authority of this resolution shall be subject to
7 the inspection and approval of the Director of Public Works of the City of Lincoln. Prior to
8 the start of any construction activities, the applicant shall or shall cause its contractor to
9 contact Diggers Hotline of Nebraska for all utilities locations. In addition, prior to the start
10 of any construction activities, the applicant shall or shall cause its contractor to request and
11 receive all required permits for construction of the ramp.

12 5. The use of the public way herein granted and the terms and conditions
13 of this resolution shall be binding and obligatory upon the above-named applicant, its
14 successors and assigns.

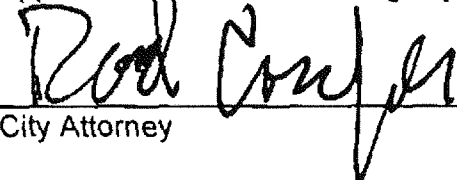
15 6. Within thirty (30) days from the adoption of this resolution, and before
16 commencing any construction under the provisions hereof, the above-named applicant
17 shall file an unqualified written acceptance of all the terms and conditions of this resolution
18 with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges
19 and authorities hereunder granted shall thereupon automatically terminate.

ADOPTED

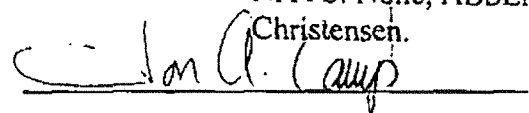
APR 14 2014

BY CITY COUNCIL

Approved as to Form and Legality:


City Attorney

Introduced by:



AYES: Camp, Cook, Emery,
Eskridge, Fellers, Gaylor Baird;
NAYS: None; ABSENT:
Christensen.

Approved this 14 day of April, 2014:


Mayor

CITY OF LINCOLN

Request for: ☐ Ordinance
☒ Resolution

(Do Not Write in this Space)

Bill Control No. 14R-162 Date: 3/31


Docketing Date 4/7 PM: 4/14

(To Be Entered by City Clerk)

DATE March 21, 2014	REQUEST MADE BY Miki Esposito, Director	DEPARTMENT Public Works & Utilities
DESIRED DOCKET DATE: <u>4-7 (4-14-PM)</u> IF EMERGENCY, GIVE REASON (See Art. 6, Sec. 2 of Charter)		
Emergency Measure Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Director's Est'd Time/Testimony <input type="checkbox"/> 0 - No Hearing (Consent Agenda) <input checked="" type="checkbox"/> 1 - Short <input type="checkbox"/> 2 - Average <input type="checkbox"/> 3 - Long		

REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION

To provide the authority to approve the request for use of right-of-way to construct a portion of a loading dock ramp on the NW corner of South 6th and "L" Streets at 540 "L" Street.

REQUESTOR <input type="checkbox"/> DOES <input checked="" type="checkbox"/> DOES NOT	WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION	 DIRECTOR'S SIGNATURE	<u>3-21-14</u> DATE
TO BE USED BY THE FINANCE DEPARTMENT			
BUDGET REVIEW	DATE:	ACCOUNT NUMBER AND APPROPRIATE BALANCES	DATE:
		FUND AVAILABILITY APPROVED	DATE:
		DIRECTOR OF FINANCE SIGNATURE	
DISTRIBUTION Submit one original to City Clerk			

City Council Introduction:

4-7-14

Bill Number

14R-102

Public Hearing:

4-14-14

FACT SHEET

TITLE: Request for use of right-of-way to construct a portion of a loading dock ramp on the NW corner of South 6th & "L" Streets at 540 "L".

SPONSOR: Public Works & Utilities

OPPONENTS: Unknown

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED:

APPLICANT: Bison, Inc.

REASON FOR LEGISLATION:

DISCUSSION

The Public Works & Utilities Department has received the attached request for the use of public right-of-way to construct a portion of a loading dock ramp on the NW corner of South 6th and "L" Streets for the property at 540 "L" Street. Public Works notes that "L" Street is vacated west of 6th Street, and 6th Street is vacated north of L Street.

The proposed area of occupancy of the right-of-way is 800.3 square feet as shown on the attached site plan.

POLICY OR PROGRAM CHANGE: No

COST OF TOTAL PROJECT: \$120,000

SOURCE OF FUNDS:

CITY: None

NON CITY: Unknown

BENEFIT COST: Unknown

FACT SHEET PREPARED BY: Buff Baker, Engineering Services

REVIEWED BY:

me. Eynard

Director of Public Works & Utilities

LARRY CHILESE
ARCHITECTS
INC

EXHIBIT "A"

MAR 13 2014

City of Lincoln
Public Works
555 south 10th Street
Lincoln Nebraska

March 11, 2014

RE: Bison Inc. Use of ROW

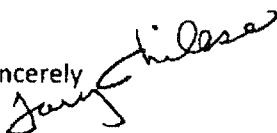
Gentlemen,

Pursuant to LMC 14.54 we are requesting permit for use of Right-of-Way as delineated on plans submitted which depict a recessed dock.

Attached please find Certificate of Insurance and Check in the amount of \$5,000.00 payable to the City of Lincoln. Insurance Certificate and Check meet the requirements of LMC 14.54.040.

Please begin the process of permitting use of Right-of-Way and direct all questions through this office.

Sincerely



Larry Chilese Registered Professional Architect.

Hand-drawn site plan for a proposed building at the intersection of 6th Street and 7th Street. The plan shows a building footprint with various dimensions, including a total width of 139'-4" verified and a depth of 56'-1 3/4". The building is situated on a lot bounded by 6th Street to the south and 7th Street to the north. The plan also shows the intersection of 6th Street and 7th Street, with a north arrow pointing towards the top right. The scale is 1" = 20'.

EXHIBIT "B"



Printed Feb 06, 2014

Lancaster County/City of Lincoln GIS Map

IMS

DISCLAIMER: The information is presented on a best-effort basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincolln.gov and you will be directed to the appropriate department.

Bond No. 9163883

BOND FOR USE OF PUBLIC SPACE
(LMC 14.32.130)

KNOW ALL MEN BY THESE PRESENTS, that we, IMS Properties, LLC of As Principal, and Washington International Insurance Company, a corporation duly licensed to do business in the State of Nebraska, as Surety are held and firmly bound unto the City of Lincoln, Nebraska, in the penal sum of Five Thousand and 00/100 Dollars (\$5,000.00) lawful money of the United States, for which payment well and truly to be made we bind ourselves and our heirs, executors, administrators, legal representatives, successors, and assigns, jointly and severally, firmly by these presents.

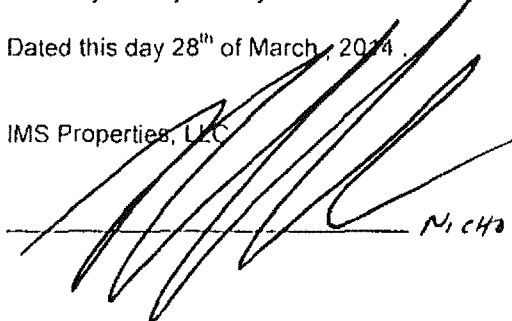
THE CONDITION OF THIS OBLIGATION is such that, whereas, the Principal has made application to the City of Lincoln for permission for private use of streets or sidewalks zoned either commercial, business, or industrial, adjacent to the following described location in the City of Lincoln, Lancaster County, Nebraska to-wit: 540 L Street, Lincoln, NE 68508

NOW, THEREFORE, if the Principal and his heirs, successors, or assigns shall faithfully perform and in all things strictly comply with all conditions which now are or which may hereafter be required by Chapter 14.32 of the Lincoln Municipal Code to be contained in the surety bond specified by Section 14.32.130 which conditions are hereby incorporated by reference and made to apply to the above-described use of public space, then this obligation shall be void, otherwise to remain in full force and effect until terminated as hereinafter provided.

THIS BOND MAY BE TERMINATED at any time by the Surety upon sending notice in writing, by certified mail, to the City Clerk of said City and to the Principal, addressed to them at City of Lincoln, County-City Building, 555 South 10th Street, Lincoln, Nebraska, 68508, and at the expiration of thirty (30) days from the receipt of said notice, this bond shall ipso facto terminate and the Surety shall thereupon be released from any liability for any acts or omissions of the Principal subsequent to said date.

Dated this day 28th of March, 2024.

IMS Properties, LLC

 Nicholas J. Cuside

Washington International Insurance Company

By: 

Joan Leu, Attorney-in-Fact

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois, each does hereby make, constitute and appoint:

DAVID A. DOMINIANI, JOAN LEU,

MAURA P. KELLY and SHARON K. MURRAY

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

FIFTY MILLION (\$50,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9th of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By Steven P. Anderson
Steven P. Anderson, Senior Vice President of Washington International Insurance Company
& Senior Vice President of North American Specialty Insurance Company



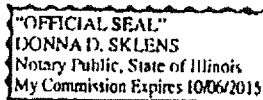
By David M. Layman
David M. Layman, Vice President of Washington International Insurance Company
& Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 1st day of March, 2013.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook

On this 1st day of March, 2013, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



Donna D. Sklens
Donna D. Sklens, Notary Public

I, Jeffrey Goldberg, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 28th day of March, 2014.

Jeffrey Goldberg
Jeffrey Goldberg, Vice President & Assistant Secretary of
Washington International Insurance Company & North American Specialty Insurance Company



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/8/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Harry A Koch Co of Lincoln 233 S 13th Street Suite 1650 Lincoln NE 68508-NE	CONTACT NAME: PHONE (A/C, Ho, Ext): 402-435-7100 FAX (A/C, No): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: National Fire Insurance Co of Hartford INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Bison, Inc. 603 L Street Lincoln, NE 68508	IMS24750 NAIC # 20478

COVERAGES

CERTIFICATE NUMBER: 903380352

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		2099584582	4/1/2014	1/1/2015	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPOF AGG \$2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y/N N/A				WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Use of Right of Way

Certificate holder is additional insured for General Liability.

CERTIFICATE HOLDER

CANCELLATION

City of Lincoln 555 S 10th Street Lincoln NE 68508	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>James Anthony Smith</i> 4/9/14
--	--

© 1988-2010 ACORD CORPORATION. All rights reserved.



PUBLIC WORKS & UTILITIES DEPARTMENT
555 South 10th Street Suite 208 Lincoln, NE 68508
lincoln.ne.gov

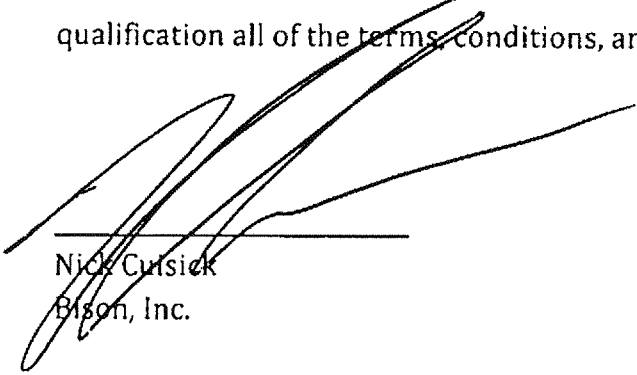
APPENDIX "A"

City Council
City of Lincoln
Lincoln, NE 68508

RE: Letter of Acceptance

TO THE CITY COUNCIL:

I, Nick Cursick, herein called Applicant in Resolution No. A-88189, adopted by the City Council of the City of Lincoln, Nebraska, on April 14, 2014, and approved by Mayor Beutler on, April 17, 2014 do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.



Nick Cursick
Bison, Inc.

Cc: City Clerk

